

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
Plaintiff,

CR. NO. 97-076-DRD

vs.

MIGUEL A. VEGA-COSME

MIGUEL VEGA-COLON,  
Defendants-Petitioners.

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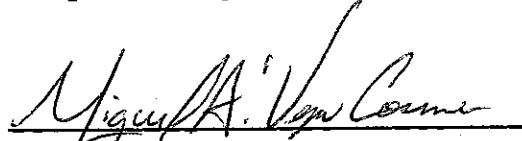
MOTION FOR APPOINTMENT OF COUNSEL

THIS IS NOT,...AND SHOULD NOT,...BE  
CONSTRUED BY THE COURT AS A 2255 PETITION

TO THE HONORABLE COURT:

Pursuant to the Criminal Justice Act, as codified in 18 U.S.C. § 3006A, and 28 U.S.C. § 1915[e], this Court has the authority to appoint counsel for purpose of preparing and filing a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. For the reasons expressed in the attached affidavit, it is respectfully requested that attorney Marcia G. Shein, 2392, North Decatur Road, Decatur, GA 30033; Tel. [404] 633-3797, be appointed for this purpose.

Respectfully Submitted.



Miguel A. Vega-Cosme, pro-se  
Reg. No. 03648-069  
FCC-USP  
P.O.Box 1033  
Coleman, FL 33521-1033

Dated:

2/8/05

Miguel Vega Colon  
Miguel Vega-Colon  
Reg. No. 14687-069  
FCC-LOW  
P.O. Box 1031  
Coleman, Fl. 33521-1031

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
Plaintiff-Respondent,

Cr. No. 97-076-DRD

vs.

**THIS IS NOT AND SHOULD NOT  
BE CONSTRUED AS A 2255 PETITION**

MIGUEL A. VEGA-COSME,  
MIGUEL VEGA-COLON,  
Defendants-Petitioners.

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**AFFIDAVIT IN SUPPORT OF THE DEFENDANTS'  
MOTION FOR APPOINTMENT OF COUNSEL TO  
PREPARE AND FILE A 2255 PETITION AND  
FOR EXPEDITED DISPOSITION**

**TO THE HONORABLE COURT:**

Miguel A. Vega-Cosme and Miguel Vega-Colon, pro-se, being duly sworn, deposes and says:

1. We are father and son.
2. We are defendants in the above-entitled case and make this affidavit in support of our request that attorney Marcia G. Shein, be appointed to prepare and file a 2255 petition in our behalf.
3. We represent to the Court that we are without money or means with which to employ an attorney, and so are unable financially to retain counsel for ourselves; and this Court has appointed counsel for prior proceedings.
4. I, Vega-Colon, have only a high school education, and have

no legal education.

5. I, Vega-Cosme, am serving my sentence in a maximum security prison, and have limited access to the prison law library.

6. Due to the limited access and the limited resources available at the law library where we are incarcerated, and in light of the most recent United States Supreme Court's decisions in Blakely, Fafan, Booker, and Penaranda, we need the assistance of counsel to prepare and file a 2255 petition in our behalf.

7. In addition, this is a complex case because it contains several different legal and constitutional claims, which will require discovery of documents and deposition of a number of witnesses.

8. The testimony will be in sharp conflict, since we will allege Ineffective Assistance of Counsels, based on conflict of interest arising from the fact that Vega-Cosme's trial counsel and her son were subject of a federal criminal investigation during pre-trial and trial proceedings in our case, which thus involves conflict putting attorney's personal interest against those of us.

9. Marcia G. Shein, is an attorney licensed to practice law and admitted in all Federal Appellate Circuit Courts. She was the attorney appointed through the First Circuit Local Rule 46.5., [CJA-Plan], to represent us, in our direct appeal and petition for writ of certiorari.

10. In view of the foregoing, we very respectfully prays the Court that our motion for appointment of counsel, Marcia G. Shein be granted.

11. Also, an expedited disposition of our motion is respect-

fully requested, since the time for filing our motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 will expire on June 1, 2005, less than four months away from this pleading.

12. We declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. 1746.

**Respectfully Submitted.**

Dated:

2/8/05

Miguel A. Vega-Cosme  
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